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Introduced by Mr. FOWLE, of Wake.

W. W. Holden, Printer to the State.

A BILL TO AMEND THE CHARTER OF THE CHATHAM RAILROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the*
2 *State of North-Carolina, and it is hereby enacted by the*
3 *authority of the same,* That whenever it shall appear to
4 the Governor of the State, by a certificate under the seal
5 of the Chatham Railroad Company, signed by their Treas-
6 urer, and countersigned by the President, that ten miles
7 of the Road have been graded and prepared for the super-
8 structure, the Governor shall be, and he is hereby author-
9 ized to subscribe, on behalf of the State, for stock in said
10 Company to an amount equal to ten thousand dollars per
11 mile for the part so graded, and a like sum shall be sub-
12 scribed in like manner, whenever any additional ten miles
13 of the Road shall be so graded, until its completion.

SEC. 2. *Be it further enacted,* That the State shall ap-
2 point a number of Directors in said Company, in propor-
3 tion to the stock subscribed, who shall be appointed by
4 the Governor, by and with the advice and consent of his
5 Council, and removed in like manner.

SEC. 3. *Be it further enacted,* That the Public Treasurer
2 shall pay such subscriptions by the sale of Coupon Bonds
3 of the State, the principal of which is to be paid at the end
4 of twenty years, and the interest semi-annually, on the
5 first Monday in January and July in each and every year,
6 said bonds to be made for the sums of five hundred and
7 one thousand dollars: *Provided,* That said bonds shall not

8 be sold for less than their par value; and further, that the
9 said bonds shall not exceed, in the aggregate, five hundred
10 thousand dollars.

SEC. 4. *Be it further enacted*, That in consideration of
2 the benefits conferred by this act, on acceptance of the
3 same by the Chatham Railroad Company, the said Com-
4 pany shall, by such acceptance, be deemed to surrender
5 all the privileges conferred by sections four, (4) five, (5)
6 six, (6) and nine, (9) of an ordinance passed by the Con-
7 vention of the State, entitled "An Ordinance in addition
8 to, and amendment of, an Act of the General Assembly,
9 ratified the 15th day of February, 1861," entitled "An
10 Act to incorporate the Chatham Railroad Company," and
11 to repeal an act supplemental thereto, ratified 23d Feb-
12 ruary, 1861.

SEC. 5. *Be it further enacted*, That said Railroad may
2 be constructed with *termini* at any point or points in the
3 Coalfields region, in the Counties of Chatham and Moore,
4 that the Stockholders of said Company may agree upon,
5 with the approbation of the Board of Internal Improve-
6 ments.

SEC. 6. *Be it further enacted*, That when any lands or
2 right of way may be required by said Company for the
3 purpose of constructing their road, and for want of agree-
4 ment as to the value thereof, or from any other cause, the
5 same cannot be purchased from the owner or owners, the
6 same may be taken at a valuation to be made by five com-
7 missioners, or a majority of them, to be appointed by any
8 Court of Record, having common law jurisdiction in the
9 county where some part of the land or right of way is sit-
10 uate. In making the said valuation, the said commission-
11 ers shall take into consideration the loss or damage which
12 may accrue to the owner or owners in consequence of the
13 land or right of way being surrendered, and the benefit or
14 advantage he, she or they may receive from the erection
15 or establishment of the Railroad or work, and shall state
16 particularly the value and amount of each; and the excess

17 of loss or damage, over and above the advantage and ben-
18 efit, shall form the measure of valuation of the said land or
19 right of way; *Provided, nevertheless*, that if any person,
20 over whose land the road may pass, or the said company,
21 shall be dissatisfied with the valuation of said commission-
22 ers, then, and in that case, the person or corporation so
23 dissatisfied may have an appeal to the Superior Court in
24 the county where said valuation has been made, or in
25 either county where the land lies, where it lies in more
26 than one county, under the same rules, regulations and
27 restrictions as in appeals from judgments of Justices of the
28 Peace. The proceedings of said commissioners, accom-
29 panied with a full description of the said land or right of
30 way, shall be returned, under the hands and seals of a ma-
31 jority of the commissioners, to the Court from which the
32 commission issued, there to remain a matter of record.
33 And the lands or right of way shall vest in said company
34 so long as the same may be used for the purposes of said
35 Railroad, as soon as the valuation may be paid, or, when
36 refused, may have been tendered, or, if the owner cannot
37 be found, or, for good cause shown, the Court whence the
38 commission issued shall direct the same, as soon as said
39 valuation shall be paid into the hands of the Clerk of said
40 Court: *Provided*, that nothing herein contained shall hin-
41 der or delay the said company in prosecuting their work;
42 *and, provided further*, that on application for the appoint-
43 ment of commissioners under this section, it shall be made
44 to appear to the satisfaction of the Court that at least ten
45 days previous notice has been given to the owner of the
46 land, or, if the owner be *non compos mentis* or infant, then
47 to the guardian of such owner, or, if such owner or guar-
48 dian cannot be found within the county, then such ap-
49 pointment shall not be made unless notice of the applica-
50 tion shall have been personally served on such owner or
51 guardian as aforesaid, or published at least one month pre-
52 vious in some newspaper printed as conveniently as may
53 be to the court house of the county, and shall have been

54 posted at the court house door. Said commissioners shall
55 make said valuation on oath, which any Justice of the
56 Peace or Clerk of a Court of Record is hereby authorized
57 to administer.

SEC. 7. *Be it further enacted*, That the right of said
2 company to condemn land shall extend to the condemn-
3 ing, if they deem advisable, of one hundred feet on each
4 side of the centre of the track, unless in case of deep cuts
5 and fillings, when said company shall have power to con-
6 demn so much in addition thereto as may be necessary for
7 the purpose of constructing their road; and the company
8 shall have power to condemn and appropriate, in like
9 manner, lands for constructing and building of depots,
10 shops, ware-houses, buildings for servants, agents and of-
11 ficers employed on the road.

SEC. 8. *Be it further enacted*, That in the absence of
2 any contract or contracts with said company, in relation
3 to land through which said road may pass, it shall be pre-
4 sumed that the land on which said road may be construct-
5 ed, together with one hundred feet on each side of the
6 centre of the track has been granted to the company by
7 the owner; and the said company shall have good title
8 and right thereto, and shall hold and enjoy the same as
9 long as the same may be used for the purposes of the
10 company, unless said owner, at the time of finishing the
11 part of the road on his land, shall apply for assessment of
12 the value of the land, within two years next after the fin-
13 ishing of such portion of the road; and said owner for
14 want of such application within said two years, shall be
15 barred from said recovery: *Provided*, that nothing here-
16 in contained shall authorize said company to invade any
17 dwelling house, yard, garden or burial ground, without
18 the owner's consent; nor shall the right of *femes covert*,
19 infants or those *non compos mentus*, be effected until two
20 years after the removal of their respective disabilities.

SEC. 9. *Be it further enacted*, That this act shall be in
2 force from and after its ratification by the Chatham Rail-
3 road Company.

Hollinger Corp.
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